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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,082	09/22/2000	Juha S. Kinnunen	990.1234	7345

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EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/622,082

Applicant(s)

KINNUNEN ET AL.

Examiner

Carlos Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1) Claims 8-13, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egelhof et al (US 6,159,341) in view of Huovila et al (US 6,270,624) and in further view of Turner et al (EP 0465698). Egelhof discloses a method of making a multiply paper comprising of two web former units wherein headbox (8) provides a first base ply and multi-layer headbox (26) provides a second ply (Figure 1 and Col. 5, lines 30ff). Egelhof is silent disclosing the stock feed system of the headbox. However, Houvila discloses stock feed system for a headbox having a flow of fresh stock being divided into three component flows (5a-5c) wherein an admixture is supplied to the component flow that would make up the outer layer/face before pump (19a1) (Col. 1, lines 55ff and figure 1). Houvila's headbox provides for a control of the desired chemicals and fillers to be added to a web and obviates additional storage facilities due to its single fresh stock feed system (See Bridging paragraph of col. 3-4). In view of Turner which teaches that the face of a second ply has a high amount of pulp stock fines in order to effect a greater ply-bonding affinity with a first base ply, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have inserted Houvila's multilayer headbox with Egelhof's web forming method in order

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to provide a better feed control of admixtures that would be placed at the face of the second ply assuring bonding with the base ply and optionally reduce storage facilities as taught by Houvila. Additionally as for the claimed web speed limitation, the claimed speed of the web is current operational speed that would be expected from Egelhof forming unit.

### ***Response to Arguments***

Applicant's arguments filed 11/19/03 have been fully considered but they are not persuasive.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, Applicant's piecemeal analysis fails to even discuss the primary reference, Egelhof et al. Applicant also argues that Turner's board machine can't operate on the claimed speeds because it uses "gentle dewatering". It is noted that said allegation of "gentle dewatering" and thus an implied low machine speed is not disclosed in the Turner reference. In fact the Turner reference is mainly drawn to the general teaching of what is known in the art, that the face of a second ply has a high

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amount of pulp stock fines in order to effect a greater ply-bonding affinity with a first base ply for which Huovila provides the means for carrying out Turner's teaching, a headbox for providing the desired chemicals and fillers from an admixture.

Applicant also argues that the claimed invention is distinguished from the prior art because the speed of the board machines as claimed is higher than 1000 meters per minute. It was previously maintained that the claimed operational speed of 1000 meters per minute are conventional speeds for a board machine in which Egelhof board machine would operate. Applicant is referred to page one of the specification showing that "running speeds of the present-day, newer board machines rise to a level higher than 1000 meters per minute". Applicant is also referred to US 6214168 (Col 1, lines 45ff) and US 5389205 (Abstract) showing board machines of greater than 1000 meters per minute are conventional speeds for board machines and hence Egelhof board machine would be expected to operate in the claimed speed.

In regards to applicant's argument that the "Office Action does not state that it would be obvious to combine Turner et al. with Huovila et al. to attain feeding additives to a specific layer of a web and which additives are chosen so that they are able to increase the bond strength between the different plies of the multi-ply web as in the claimed invention", applicant is referred to lines 12-19 in paragraph one of the previous office action- explicitly reciting applicant's assertion.

### ***Conclusion***

References A-B in PTO-892 have been cited to show the state of the art.


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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CL

February 7, 2004

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
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